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Attorney for Defendant
Costco Wholesale Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CONSTANCE CALARCO,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION, dba
Costco, a Foreign Corporation, DOES I through
X; DOE EMPLOYEES I through X; and ROE
CORPORATIONS I through X, inclusive

Defendants.

CASE NO.: 2:22-cv-977

**PETITION FOR REMOVAL OF CIVIL
ACTION**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

Petitioner COSTCO WHOLESALE CORPORATION (hereinafter "Petitioner"), a
Washington Corporation respectfully shows:

1. Petitioner is the Defendant in the above-entitled action;
2. On May 6, 2022, an action was commenced against Defendant/Petitioner
COSTCO WHOLESALE CORPORATION and is now pending in the District Court, Clark
County, Nevada as Case No. A-22-852222-C. Process of Service was served upon
Defendant/Petitioner on June 8, 2022. Copies of the Complaint and Summons are attached
hereto as Exhibits "A" and "B" respectively;

1 3. This Notice is timely filed pursuant to 28 U.S.C. §1446(a) and (b);

2 4. Defendant/Petitioner is informed and believes and thereon alleges that there has
3 been no further proceedings or papers filed in said action;

4 5. This action is a civil action of which this Court has original jurisdiction under the
5 provisions of 28 U.S.C.A. §1332 and is one which may be removed to this Court by
6 Defendant/Petitioner pursuant to the provisions of 28 U.S.C.A. §1441(a)(b) in that it is a civil
7 action which allegedly arises out of a dispute involving diverse parties where the amount in
8 controversy exceeds the sum or value of \$75,000.00 due to the Plaintiff undergoing ongoing
9 extensive medical care from a May 29, 2020 incident whereby Plaintiff allegedly slipped and
10 fell on raspberries resulting in injurie. Plaintiff has claimed in excess of \$15,000.00 in damages
11 in the Complaint since this is the state court jurisdiction al threshold. However, Plaintiff's
12 Counsel has advised that the Plaintiff's past medical bills alone are already in excess of
13 \$100,000.00, plus a possible claim of past and future pain and suffering, future medical care and
14 a possible wage loss. All of this resulted after the subject accident and this Court has original
15 jurisdiction over the claims set forth in Plaintiff's Complaint.

16 6. A copy of Defendant/Petitioner's Notice of Removal of the above-entitled action
17 to the United States District Court for the District of Nevada, together with copies of the
18 Summons and Complaint have been deposited with the Deputy Clerk in the Clerk's office for
19 the Eighth Judicial District Court of the State of Nevada on June 22, 2022. (See, copy of Notice
20 of Filing Petition for Removal attached hereto as Exhibit "C");

21 7. Copies of all pleadings and papers served upon Defendant in the above-entitled
22 action are filed herewith; and
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WHEREFORE, Defendant/Petitioner prays that the above-entitled action be removed from the Eighth Judicial District Court of the State of Nevada in and for the County of Clark to this Court.

DATED this 22nd day of June, 2022.

/s/ Michael A. Federico, Esq.

Nevada Bar No. 005946
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendant
Costco Wholesale Corporation

AFFIDAVIT OF MICHAEL A. FEDERICO, ESQ.

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

MICHAEL A. FEDERICO, ESQ., being first duly sworn deposes and says:

1. That your affiant is an attorney duly licensed to practice law in the State of Nevada and in the United States District Court, District of Nevada, and that he is a member of the law firm of OLSON CANNON GORMLEY & STOBERSKI, maintaining offices at 9950 West Cheyenne Avenue, Las Vegas, Nevada 89129;

2. That your affiant is the attorney for Defendant COSTCO WHOLESALE CORPORATION and makes this affidavit on behalf of the Defendant herein and that affiant has prepared and read the foregoing notice and knows the matters set forth and contained therein to be true and correct to the best of affiant's knowledge and belief;

3. Your affiant further states that on June 22, 2022, he caused to be filed with the Clerk of the Eighth Judicial District Court, a copy of Defendant's Petition for Removal of Civil Action of the above-entitled action to the United States District Court for the District of Nevada at Las Vegas, together with all exhibits, by depositing such copies with the Deputy Clerk in the Clerk's office for the Eighth Judicial District Court of the State of Nevada at the office of the County Clerk, Clark County Courthouse, Las Vegas, Nevada 89101; and

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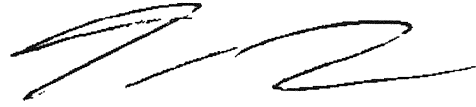
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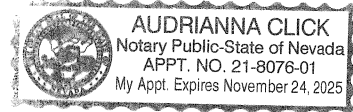
1 4. That your affiant caused to be served a Notice of Removal on David T. Gluth,
2 Esq., Henness & Haight, 8972 Spanish Ridge Ave., Las Vegas, Nevada 89148, attorney of record
3 for the Plaintiff in the above-entitled action by depositing the same in the United States mail on
4 June 22, 2022.
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8 MICHAEL A. FEDERICO, ESQ.

9 Subscribed and sworn before me
10 this 22nd day of June, 2022.

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12 NOTARY PUBLIC in and for said
13 County and State
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Olson Cannon Gormley & Stoberski, and that on the 22nd day of June, 2022, I caused to be served a true and correct copy of foregoing **PETITION FOR REMOVAL OF CIVIL ACTION** through the CM/ECF system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

David T. Gluth, Esq.
Henness & Haight
8972 Spanish Ridge Ave.
Las Vegas, NV 89148
(702) 862-8200
david@hennessandhaight.com
Attorneys for Plaintiff


An Employee of Olson Cannon Gormley & Stoberski